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09/110,615	07/06/1998	BERTHOLD EIBERGER	PHD97.095	4901

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Joseph S Tripoli
Patent Operations
Thomson Multimedia Licensing Inc
P O Box 5312
Princeton, NJ 08543-5312

EXAMINER	
WONG, ALLEN C	
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2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/110,615	EIBERGER, BERTHOLD	
	Examiner	Art Unit	
	Allen Wong	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 August 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,10-15,19 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,10-15,19 and 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 July 1998* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-5, 10-15 and 19-20 have been read and considered but are moot in view of the new ground(s) of rejection.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.
(b) CROSS-REFERENCE TO RELATED APPLICATIONS.
(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
(f) BACKGROUND OF THE INVENTION.
    (1) Field of the Invention.
    (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
(g) BRIEF SUMMARY OF THE INVENTION.
(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
(i) DETAILED DESCRIPTION OF THE INVENTION.
(j) CLAIM OR CLAIMS (commencing on a separate sheet).
(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Content of Specification

(a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.

(b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.

(c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.

(d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).

(e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

(f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:

(1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."

(2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."

(g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward

the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

(h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.

(i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

(j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

(k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

(l) Sequence Listing, See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poetsch (4,875,102) in view of Nagano (4,845,531).

Regarding claim 1, Poetsch discloses a film scanner comprising:

a first scanning device having a first light source for scanning frames of a cinematographic film by means of photoelectric transducers (see fig.5 and col.5, lines 50-68; note scanning device 14 scans cinematographic film frames, wherein element 15 is the light source as disclosed in col.5, ln.1), and

a second scanning device for scanning the sprocket holes (see fig.5 and col.6, lines 1-3; note scanning device 8 scans sprocket holes).

Although Poetsch teaches the sprocket hole detection from left and leading edges (col.4, lines 11-12), Poetsch suggests that there are various methods for scanning “other positioning reference features” (col.6, lines 64-67). Poetsch uses the sprocket hole detection from left and leading edges, as mentioned in col.4, lines 11-12, as an “example” for detecting sprocket holes. It is only one of many sprocket hole

scanning embodiments. One of ordinary skilled can easily manipulate and configure the second scanning device to scan in any desired direction needed to accomplish the task, including the configuration of the second scanning device for detecting both the beginning and end of sprocket holes. Therefore, it would have been obvious to one of ordinary skill in the art to recognize that the direction of scanning sprocket holes is an obvious feature because Poetsch suggests variations in scanning methods and embodiments for accomplishing the scanning of sprocket holes from beginning to the end.

Poetsch does not disclose wherein the spectral sensitivities of the first and second scanning devices lie in maximally different spectral ranges. However, Poetsch teaches the scanning of sprocket holes by using a laser (see fig.11) which is known for having variable high frequencies such as infrared light, etc. Therefore, one of ordinary skill in the art would obviously recognize and acknowledge that the first light source, used for scanning frames, is maximally, spectrally different from the second light source, used for scanning sprocket holes, because the spectral range for a laser is much different from the light source (ie. white light) used for scanning frames.

Poetsch does not disclose the use of a second light source. However, Nagano teaches the implementation of the second light source (col.2, ln.11-14 and ln.27-30 and ln.33-35, Nagano discloses the first light source 14R and the second light source 14G for scanning the film). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Poetsch and Nagano, as a whole, for providing

adequate lighting of the film so that the image of the film is properly scanned for analysis and display (Nagano col.1, ln.39-43).

Regarding claims 2 and 11, Poetsch discloses the optical filter preceding at least one of the photoelectric transducers (fig.6, note the optical setup wherein element 51 and 56 are considered to be optical filters).

Regarding claims 3 and 12, Poetsch discloses a common light source while at least one of the light radiation paths leading to the scanning devices incorporates an optical filter for limiting the light spectrum (fig.6, element 50 is the light source, wherein the optical setup wherein element 51 and 56 are considered to be optical filters for limiting the light spectrum). Poetsch does not disclose the use of a second light source. However, Nagano teaches the implementation of the second light source (col.2, ln.11-14 and ln.27-30 and ln.33-35, Nagano discloses the first light source 14R and the second light source 14G for scanning the film, wherein the light spectrum is limited to red and green for producing the red and green light). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Poetsch and Nagano, as a whole, for providing adequate lighting of the film so that the image of the film is properly scanned for analysis and display (Nagano col.1, ln.39-43).

Regarding claims 4 and 13, Poetsch does not disclose wherein the light currents generated by the light source are chosen to be such that their spectra substantially do not overlap. However, Nagano teaches wherein the light currents generated by the light source are chosen to be such that their spectra substantially do not overlap (col.2, ln.11-14 and ln.27-30 and ln.33-35, Nagano discloses the first light source 14R and the

second light source 14G for scanning the film, wherein the light spectrum is limited to red and green for producing the red and green light, thus, the light currents do not overlap). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Poetsch and Nagano, as a whole, for providing adequate lighting of the film so that the image of the film is properly scanned for analysis and display (Nagano col.1, ln.39-43).

Regarding claims 5 and 14, Poetsch does not disclose wherein said second light source generates light in the infrared range, and the photoelectric transducer of the second scanning device is sensitive in the infrared range. However, Poetsch teaches the scanning of sprocket holes by using a laser (see fig.11) which is known for having variable high frequencies such as infrared light, etc. Therefore, one of ordinary skill in the art would obviously recognize and acknowledge that the implementation of first light source, used for scanning frames, is maximally, spectrally different from the second light source, used for scanning sprocket holes, because the spectral range for a laser is much different from the light source (ie. white light) used for scanning frames.

Poetsch does not disclose the use of a second light source. However, Nagano teaches the implementation of the second light source (col.2, ln.11-14 and ln.27-30 and ln.33-35, Nagano discloses the first light source 14R and the second light source 14G for scanning the film). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Poetsch and Nagano, as a whole, for providing adequate lighting of the film so that the image of the film is properly scanned for analysis and display (Nagano col.1, ln.39-43).

Regarding claim 10, Poetsch discloses a film scanner comprising:

a first scanning device for scanning frames of a cinematographic film by means of photoelectric transducers (see fig.5 and col.5, lines 50-68; note scanning device 14 scans cinematographic film frames, wherein element 15 is the light source as disclosed in col.5, ln.1), and

a second scanning device for scanning sprocket holes (see fig.5 and col.6, lines 1-3; note scanning device 8 scans sprocket holes).

Poetsch does not disclose scanning areas around the sprocket holes, wherein the spectral sensitivities of the first and second scanning devices lie in maximally different spectral ranges. Although Poetsch teaches the sprocket hole detection from left and leading edges (col.4, lines 11-12), Poetsch suggests that there are various methods for scanning "other positioning reference features" (col.6, lines 64-67) that includes areas around the sprocket holes like the left and right edges. Poetsch uses the sprocket hole detection from left and leading edges, as mentioned in col.4, lines 11-12, as an "example" for detecting sprocket holes. It is only one of many sprocket hole scanning embodiments. One of ordinary skilled can easily manipulate and configure the second scanning device to scan in any desired direction needed to accomplish the task, including the configuration of the second scanning device for detecting areas around the sprocket holes. Therefore, it would have been obvious to one of ordinary skill in the art to recognize that the direction of scanning sprocket holes is an obvious feature because Poetsch suggests variations in scanning methods and embodiments for accomplishing the scanning of areas around the sprocket holes.

Poetsch does not disclose wherein the spectral sensitivities of the first and second scanning devices lie in maximally different spectral ranges. However, Poetsch teaches the scanning of sprocket holes by using a laser (see fig.11) which is known for having variable high frequencies such as infrared light, etc. Therefore, one of ordinary skill in the art would obviously recognize and acknowledge that the first light source, used for scanning frames, is maximally, spectrally different from the second light source, used for scanning sprocket holes, because the spectral range for a laser is much different from the light source (ie. white light) used for scanning frames.

Poetsch does not disclose the use of a second light source. However, Nagano teaches the implementation of the second light source (col.2, ln.11-14 and ln.27-30 and ln.33-35, Nagano discloses the first light source 14R and the second light source 14G for scanning the film, wherein the light sources lie in spectrally different ranges). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Poetsch and Nagano, as a whole, for providing adequate lighting of the film so that the image of the film is properly scanned for analysis and display (Nagano col.1, ln.39-43).

Regarding claim 15, Poetsch does not disclose the light source is an infrared light source, however, Poetsch discloses generating laser light source (fig.11, element 90), in that Poetsch teaches the scanning of sprocket holes by using a laser (see fig.11) which is known for having variable high frequencies such as infrared light, etc. Therefore, one of ordinary skill in the art would obviously recognize and acknowledge that the first light source, used for scanning frames, is maximally, spectrally different

from the second light source, used for scanning sprocket holes, because the spectral range for a laser is much different from the light source (ie. white light) used for scanning frames.

Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poetsch (4,875,102) and Nagano (4,845,531) in view of Tanaka (3,867,030).

Regarding claims 19-20, Poetsch discloses a film scanner comprising:

a first scanning device having a first light source for scanning frames of a cinematographic film by means of photoelectric transducers (see fig.5 and col.5, lines 50-68; note scanning device 14 scans cinematographic film frames, wherein element 15 is the light source as disclosed in col.5, ln.1); and

a second scanning device for scanning sprocket holes (see fig.5 and col.6, lines 1-3; note scanning device 8 scans sprocket holes).

Poetsch does not disclose scanning areas around the sprocket holes, wherein the spectral sensitivities of the first and second scanning devices lie in maximally different spectral ranges. Although Poetsch teaches the sprocket hole detection from left and leading edges (col.4, lines 11-12), Poetsch suggests that there are various methods for scanning “other positioning reference features” (col.6, lines 64-67) that includes areas around the sprocket holes like the left and right edges. Poetsch uses the sprocket hole detection from left and leading edges, as mentioned in col.4, lines 11-12, as an “example” for detecting sprocket holes. It is only one of many sprocket hole scanning embodiments. One of ordinary skilled can easily manipulate and configure the

second scanning device to scan in any desired direction needed to accomplish the task, including the configuration of the second scanning device for detecting areas around the sprocket holes. Therefore, it would have been obvious to one of ordinary skill in the art to recognize that the direction of scanning sprocket holes is an obvious feature because Poetsch suggests variations in scanning methods and embodiments for accomplishing the scanning of areas around the sprocket holes.

Poetsch does not disclose wherein the spectral sensitivities of the first and second scanning devices lie in maximally different spectral ranges. However, Poetsch teaches the scanning of sprocket holes by using a laser (see fig.11) which is known for having variable high frequencies such as infrared light, etc. Therefore, one of ordinary skill in the art would obviously recognize and acknowledge that the first light source, used for scanning frames, is maximally, spectrally different from the second light source, used for scanning sprocket holes, because the spectral range for a laser is much different from the light source (ie. white light) used for scanning frames.

Poetsch does not disclose the use of a second light source. However, Nagano teaches the implementation of the second light source (col.2, ln.11-14 and ln.27-30 and ln.33-35, Nagano discloses the first light source 14R and the second light source 14G for scanning the film, wherein the light sources lie in spectrally different ranges). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Poetsch and Nagano, as a whole, for providing adequate lighting of the film so that the image of the film is properly scanned for analysis and display (Nagano col.1, ln.39-43).

Poetsch and Nagano do not disclose "wherein the second scanning device is configured to detect a change in density of the cinematographic film surrounding the sprocket holes". However, Tanaka teaches the use of a detecting means for detecting the density change on film. Therefore, it would have been obvious to one of ordinary skill in the art to apply Tanaka's teachings into the combination of Poetsch and Nagano for detecting various levels of film density changes so as to determine where the edge of the film in order to cease film transport. The detection of the film's density changes is vital in determining the film's proper alignment so that picture steadiness and clarity can be maintained.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (571) 272-7341. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm Flextime.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Allen Wong
Primary Examiner
Art Unit 2621

/Allen Wong/
Primary Examiner, Art Unit 2621
3/31/10